

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-03-259
	§	
JOHN HENRY ROHMFELD, JR.,	§	
Defendant/Movant.	§	

**ORDER CONSTRUING RESPONSE IN OPPOSITION AS A
MOTION TO RECONSIDER AND ORDER DENYING MOTION TO RECONSIDER**

By Order signed and entered January 30, 2008, the Court granted the United States' motion to quash two subpoenas issued by pro se Defendant John Henry Rohmfeld, Jr. ("Rohmfeld"). (D.E. 59.) On February 1, 2008, the Clerk received from Rohmfeld a response in opposition to the government's motion to quash. (D.E. 60.) Obviously, he had not yet received the Court's order denying the motion.

In his response, Rohmfeld states that he "mistakenly" issued a subpoena to the Corpus Christi Police Department, and he stipulates that that subpoena should be quashed. (D.E. 60 at 2.) As to the subpoena he served on the Kingsville Police Department, he explains that it should have contained a civil case number, Cr. No. 07-cv-375, instead of his criminal case number. The referenced civil case was initiated by Rohmfeld filing a motion for return of property and remains pending.¹ (D.E. 60 at 1-2.) He encloses a revised subpoena containing the civil case number, and states that it is "to be issued and served on the Kingsville Police Department, via their legal representative, Elsa Salinas-Patterson, Assistant United States Attorney." (D.E. 60 at 1.) He claims

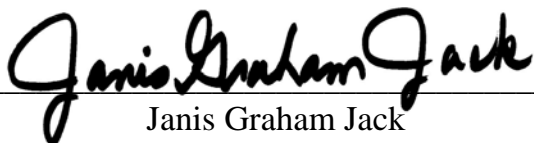
¹ The government has filed its response to Rohmfeld's motion in that case, but has not yet filed a dispositive motion. The deadline for doing so has not yet expired. (See C.A. No. C-07-375, D.E. 5.)

that he needs the documents sought in the subpoena in his civil case.

To the extent that Rohmfeld objects to the Court's order granting the motion to quash, his response is hereby construed as a motion to reconsider and it is DENIED. Rohmfeld has presented nothing to the Court to alter its earlier analysis that the two previously-issued subpoenas are subject to being quashed.

As to the new subpoena, there is no controversy concerning that subpoena currently before the Court, as it does not appear that it has been properly served, and neither the United States nor the Kingsville Police Department has sought to quash it. To the extent Rohmfeld seeks documents in the civil case, moreover, he is advised that any such motion or request for relief should be filed in that case, not in his criminal case. Additionally, the Court notes that the United States is required to provide relevant documents in its possession, pursuant to the Magistrate Judge's order for service of process. (See C.A. No. C-07-375, D.E. 5, ¶ 2.) For all of these reasons, the Court makes no ruling on the propriety of the subpoena attached to Rohmfeld's motion at this time.

It is so ORDERED this 5th day of February, 2008.



Janis Graham Jack
United States District Judge